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UNCLAS SECTION 01 OF 02 SARAJEVO 001428

SENSITIVE  
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DEPARTMENT FOR EUR/SCE

E.O. 12958: N/A  
TAGS: [PREL](#) [PGOV](#) [PINR](#) [KDEM](#) [BK](#)  
SUBJECT: BOSNIA: CHALLENGE TO USE OF ENTITY VOTE

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Summary

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**¶1.** (SBU) On November 30, Party of Democratic Action President Tihic submitted a motion to the BiH Constitutional Court requesting review of the compliance of the BiH Election Law with the BiH Constitution. Specifically, Tihic argued that the principle of ethnic representation is not properly implemented based on the 1991 census, allowing for the legalization of ethnic cleansing. Bosniak and Croat parties have expressed support for this initiative, while politicians from the Republika Srpska (RS) have interpreted it as an attempt to abolish entity voting. End summary.

Tihic Plans to Seek Constitutional Court Review

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**¶2.** (SBU) President Sulejman Tihic of the Party of Democratic Action (SDA) on November 30 submitted a motion to the BiH Constitutional Court (BiH CC) to assess whether the BiH Election Law and the rules of procedure in the BiH House of Representatives (HoR) are in line with the BiH Constitution. Tihic argues that the principle of representation of the three constituent peoples and other citizens according to the 1991 census is not adequately implemented in the current structure of the HoR. He argues, for example, that in 1991 the percentage of residents of the RS who were ethnic Bosniaks and Croats was far higher than is reflected in the current state parliament, where only 2 of the 14 representatives in the RS caucus are non-Serbs. Likewise, according to Tihic, Serbs are underrepresented in Federation institutions. Tihic opined that the current Election Law and HoR regulations thus "legalize the effects of ethnic cleansing."

Bosniaks and Croats On Board

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**¶3.** (SBU) Although not optimistic about the prospects for success of Tihic's initiative, other Bosniak and Croat parties generally support it. Party for BiH (SBiH) parliamentarian Remzija Kadric, although sympathetic to Tihic's idea, stated that constitutional changes will be necessary to resolve problems with entity voting. Croatian Democratic Union (HDZ-BiH) parliamentarian Ivo Miro Jovic agreed with Tihic that the entity vote has become an ethnic vote, underlining that Serbs as well as Bosniaks can block the implementation of any law. He also stressed, though, that he would not support the complete abolition of the entity vote, as "Bosniaks, who have a simple majority, would

put the other two peoples in an absurd position."

#### Serbs Fiercely Reject Perceived Challenge to Entity Vote

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¶4. (SBU) RS leaders from across the political spectrum portrayed Tihic's move as a frontal assault on the entity vote, and therefore on the RS, Serbs, BiH, and Dayton. RS Prime Minister Dodik declared that "Tihic is attempting to diminish the rights and autonomy of the RS by enabling the outvoting of Serbs." Alliance of Independent Social Democrats (SNSD) MP Milica Markovic commented that Tihic's motion is a way of collecting "cheap political points." Party of Democratic Progress (PDP) President Mladen Ivanic said, "After several months with a constructive approach, Tihic hit the most serious issue, entity voting. An attack on entity voting means an attack on BiH. If his proposal passes, that will mean Bosniak dominance, not only in BiH but in the RS. And that would be a direct attack on the RS and the Serb people." PDP state-level parliamentarian Branko Dokic said that Tihic's demand confirms the "absurdity and inconsistency of Bosniak policy." Democratic Party (DP) state-level parliamentarian Slobodan Saraba acknowledged the abuse of entity voting and argued that the abuse is SNSD's fault, because it uses the entity vote too often, on non-critical issues.

#### Comment

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¶5. (SBU) Tihic's frustration is understandable. However, it's true that RS leaders will continue to interpret this step as an attempt to undermine or even abolish entity voting. As entity voting is a sacred concept to RS

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politicians, any perceived challenge to it will almost certainly fuel their already escalating anti-state rhetoric. Our contacts in the BiH Constitutional Court have told us that they have not yet set a date for addressing Tihic's motion.

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